

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5534 OF 2005**

The State of Maharashtra

...Applicant

vs.

Vishal a. Satpute and Anr.

...Respondents

Mr.A.S.Shitole, A.P.P. for the Applicant
None for the Respondents.

**CORAM: A.S.OKA,J.
DATE : NOVEMBER 9,2006.**

P.C.:

1. Heard learned A.P.P. for the State in support of prayer for grant of leave. The acquittal of the Respondents is for offence punishable under section 324 read with section 34 of the Indian Penal Code.

2. Perusal of the Judgment shows that there are serious deficiencies in the investigation. The allegation of the prosecution is that the weapon 'Rapi' was used in the offence and was seized. The allegation of the prosecution is that the blood stained soil at the spot of the incident was also collected. However, there is nothing on record to show that the blood stained soil and the alleged weapon used in the offence was sent to the Chemical Analyzer for the purpose of analysis. The learned Judge observed that the evidence of the Investigating Officer was silent on this aspect. The learned Judge also considered the evidence of P.W.No.2-Mr.Sarfraj Desai and recovery panchnama. The learned Judge observed that

the prosecution case was resting only on the sole testimony of the complainant who candidly admitted his previous enmity with the accused persons.

3. Considering all the aforesaid aspects, I find that the view taken by the learned Trial Judge is a possible view which could have been taken on the basis of evidence on record. Hence, no case is made out for grant of leave. Application is rejected.

JUDGE